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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JASON E. BENSON, : CIVIL ACTION
 : NO. 1:CV-00-1229
Plaintiff, :
 : (Judge Caldwell)
vs. : (Magistrate Judge Blewitt)
 :
WILLIAM G. ELLIEN, M.D., et al., :
 :
Defendants :

FILED
SCRANTON
JAN 02 2002
PER 
DEPUTY CLERK

DEFENDANT'S, WILLIAM G. ELLIEN, M.D.,
MOTION FOR EXTENSION OF TIME TO FILE BRIEF IN SUPPORT
OF MOTION FOR SUMMARY JUDGMENT

Moving defendant, William G. Ellien, M.D. ("Ellien"), by and through his counsel, Gold, Butkovitz & Robins, P.C., hereby moves before this Honorable Court for an extension of time to file his brief in support of his Motion for Summary Judgment in the above-captioned matter, and in support thereof, states as follows:

1. The above-captioned matter, presently pending before this Court, involves Plaintiff's claims against various defendants, including moving defendant, Ellien, asserting federal and state law claims arising from the alleged failures to properly treat Plaintiff's epilepsy and psychiatric conditions.
2. Moving defendant previously obtained leave of this Court until December 31, 2001 for file his Motion for Summary Judgment. That deadline is approaching, and moving defendant respectfully requests a short additional extension of time to file the brief and supporting affidavits and/or verifications thereto.
3. Moving defendant seeks only a short additional extension of time, until January

15, 2002, to file the supporting brief and attachments, verifications, thereto. This will enable moving defendant to complete their preparation, which has been somewhat delayed by a heavy year-end schedule and numerous concurrent deadlines and commitments.

4. As of this date, this Court has not yet scheduled this matter for trial, for a pre-trial conference, or for the submission of any pre-trial materials. It is believed that as of this date, Plaintiff continues to seek documents and/or records from the Department of Corrections.

5. The Plaintiff will not be prejudiced in any manner by this short extension of time, and moving defendant has not in the past, nor will in the future, oppose any such reasonable requests for extensions of time to respond made by the Plaintiff. The Plaintiff has in fact made such requests, which have not been opposed by moving defendant.

6. Again, it is in the interest of justice and fairness that Dr. Ellien be accorded this additional, short extension of time to file his supporting brief and attachments, verifications/affidavits to his motion for summary judgment in this matter.

WHEREFORE, and for the reasons discussed herein, moving defendant, William G. Ellien, M.D., respectfully requests that this Honorable Court grant his request, and enter the accompanying order permitting him to file his brief and supporting attachments to his motion for summary judgment no later than January 15, 2002.

Respectfully submitted,

GOLD, BUTKOVITZ & ROBINS, P.C.

BY: 

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DATE: December 28, 2001